

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH DAKOTA  
CENTRAL DIVISION

BLUE STATE REFUGEES; LUKE	)	Case No.3:21-CV-03024-RAL
ROBERTSON; and CHAD DOLLICK,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
KRISTI NOEM, Governor of South	)	
Dakota, in her official capacity;	)	
SCOTT BOLLINGER, Commissioner,	)	
Bureau of Administration, in his	)	
official and individual capacities;	)	STIPULATED CONSENT
BRENT GILL, Manager, Buildings	)	DECREE
and Grounds, Bureau of	)	AND ENTRY OF ORDER
Administration, in his official and	)	
individual capacities; and LEAH	)	
SVENDSEN, Special Projects	)	
Coordinator, Bureau of	)	
Administration, in her official and	)	
individual capacities,	)	
	)	
Defendants.	)	
	)	

Plaintiffs Blue State Refugees, Luke Robertson, and Chad Dollick (“the Blue State Refugees”) and Defendants Kristi Noem et al. (“the State”), to avoid the expense of further litigation and trial, have entered into a Settlement Agreement whereby Kristi Noem et al. agree that the State will amend its policies and guidelines entitled State Capitol and

Capitol Grounds Use Guidelines regarding permitting of activities on the State Capitol grounds. The Parties, therefore, submit the following to the Court for approval as a Consent Decree.

Accordingly, based on the consent and agreement of the Parties, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. On or before January 11, 2022, the State will amend its policies and guidelines entitled State Capitol and Capitol Grounds Use Guidelines regarding permitting of activities on State Capitol grounds. The amended policies and guidelines will provide that restrictions on the time and place of assembly, speech, and petition are narrowly tailored to advance the State's significant interests consistent with the First Amendment of the Constitution of the United States of America.
2. In accordance with the above, and by the issuance of this Consent Degree, Blue State Refugees are prevailing parties.
3. Because attorneys' fees have not yet been resolved, the Parties agree to settle the claim for attorneys' fees and costs herein by January 11, 2022. In the event the Parties cannot agree on an acceptable amount for attorneys' fees and costs by January 11,

2022, the Parties will submit the issue to this Court pursuant to the Rules of Federal Procedure and this Court's local rules for a determination of the same by January 25, 2022.

4. This Decree is binding on the Parties, their successors, agents, attorneys, and assigns.
5. This Court only retains jurisdiction of this matter if it is brought back before the Court in order to determine the Parties' attorneys' fees and costs or to enforce the provisions of this Consent Decree and Settlement Agreement within six months of the State's amendments of its policies and guidelines.

Dated this the 15<sup>th</sup> day of  
December, 2021.

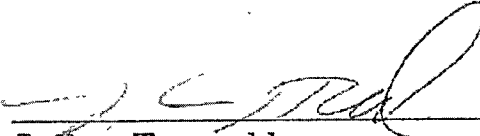


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COUNSEL FOR PLAINTIFFS

Dated this the 15<sup>th</sup> day of December,  
2021.




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COUNSEL FOR DEFENDANTS

Pursuant to the above stipulation, and for good cause shown, IT IS  
SO ORDERED.

Dated this 17<sup>th</sup> day of December, 2021.



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Hon. Roberto A. Lange  
Chief Judge